

APPEAL NO. 040850
FILED JUNE 8, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 16, 2004. The hearing officer determined that the respondent's (claimant) _____, compensable injury includes Kienbock's disease or an aggravation of Kienbock's disease, and that the claimant had disability from October 29, 2003, through the date of the hearing. The appellant (carrier) appeals these determinations. The appeal file contains no response from the claimant.

DECISION

Affirmed.

Whether the claimant's compensable injury included Kienbock's disease or an aggravation of Kienbock's disease and whether the claimant had disability after October 28, 2003, were factual questions for the hearing officer to resolve. Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given to the evidence. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts have been established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. App.-Amarillo 1974, no writ). Nothing in our review of the record indicates that the hearing officer's decision is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The carrier argues that the hearing officer erred in determining that Kienbock's disease and abutement syndrome are the same condition. However, in concluding that the claimant's injury included Kienbock's disease or an aggravation of Kienbock's disease, the hearing officer merely determined that the condition of the claimant's wrist has been referred to as abutement syndrome or Kienbock's disease and this is supported by the medical evidence.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **SENTRY INSURANCE, A MUTUAL COMPANY** and the name and address of its registered agent for service of process is

**TREVA DURHAM
1000 HERITAGE CENTER CIRCLE
ROUND ROCK, TEXAS 78664.**

Chris Cowan
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Thomas A. Knapp
Appeals Judge